Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
Modernization of Media Regulation	)	WC Docket No. 17-105
	)	
Leased Commercial Access	)	MB Docket No. 07-42
	)	
Cable Television Technical and Operational Requirements	)	MB Docket No. 12-217
	)	
Expansion of Online Public File Obligations To Cable and Satellite TV Operators and Broadcast and Satellite Radio Licensees	)	MB Docket No. 14-127
	)	
Amendment of the Commission's Rules Related to Retransmission Consent	)	MB Docket No. 10-71
	)	
Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as amended by the Cable Television Consumer Protection and Competition Act of 1992	)	MB Docket No. 05-311

REPLY COMMENTS OF FRONTIER COMMUNICATIONS CORPORATION

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REPLY COMMENTS OF FRONTIER COMMUNICATIONS CORPORATION

I. INTRODUCTION AND SUMMARY.

Frontier Communications Corporation ("Frontier")[1] hereby submits Reply Comments to the Modernization of Media Regulation Public Notice.[2] Frontier applauds the Commission for undertaking this commonsense initiative, and Frontier believes that the commenters in the initial round have provided an excellent record on which to proceed. Frontier files these comments to

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[1] Frontier submits these Reply Comments on behalf of itself and its incumbent local exchange carriers operating in twenty-nine states.

[2] *Commission Launches Modernization of Media Regulation Initiative*, Public Notice, 32 FCC Rcd 4406 (2017) ("*Public Notice*").

echo its support for several issues that are in need of reform and add certain additional proposals, including consideration of action surrounding video franchising.

Through this proceeding, the FCC has the opportunity to level the regulatory playing field for multichannel video programming distributors ("MVPDs"), remove outdated obligations, and promote video competition. Specifically, Frontier highlights several areas ripe for Commission action:

- In an age of ubiquitous online video distribution, including YouTube, leased access requirements (47 C.F.R. § 76.970) on only one type of provider no longer make sense and should be reduced to the extent authorized by statute;
- Large portions if not all of public file requirements (47 C.F.R. § 76.1700) may have outlived their usefulness;
- The Cable Price Survey, Form 333, is excessively burdensome and is likely no longer necessary;
- With widespread dissemination of information on MVPD websites and almost universal consumer adoption of email, certain customer notification requirements (47 C.F.R. §§ 76.1602, 76.1603, and 76.1622) can be removed or at least allowed as websites;
- Enabling carrier responses by email to FCC consumer complaints would reduce costs and environmental impact;
- Repealing the network non-duplication and syndicated programming exclusivity rules (76 C.F.R. § 76.92 et seq.), which represent unnecessary and duplicative Commission enforcement of private agreements, and facilitating transparency regarding retransmission rates, would offer helpful steps to the broken retransmission consent framework;
- Refining the good faith rules could offer further improvement to the retransmission consent regime;
- Clarifying that localities cannot impose unreasonable franchise requirements under the guise of state law would further promote video and associated broadband deployment; and
- Confirming that the signal quality (47 C.F.R. § 76.601) and signal leakage (47 C.F.R. § 76.611) rules are inapt for digital video systems would further remove uncertainty.

Taking these and other steps to streamline and update video rules will reduce regulatory burdens and promote video and broadband deployment. This proceeding is especially timely given the continued emergence of online video distributors ("OVDs") and the disproportionate regulations faced by MVPDs – seemingly by virtue of their facilities-based investments. Frontier looks forward to working with the Commission throughout this process.

II. REFORM LEASED ACCESS.

The Commission's leased access rules do not make sense in an era of YouTube and Facebook where any user can upload information to the internet and have their voice heard. Indeed, YouTube alone – a more powerful vehicle than any leased access channel – comprises over 17.5% of downstream internet traffic.[3] As Verizon, for example, explains: "In today's video market where opportunities to reach consumers with video content abound, leased access rate regulation is no longer necessary."[4] Likewise, according to NCTA, the "concept of leased access has long outlived its statutory purpose."[5]

While, as NCTA recognizes, the Commission is unable to "unilaterally remove" this leased access obligation because of its statutory underpinnings,[6] Verizon and NCTA offer several proposals to ensure that this obligation, does "not adversely affect the operation, financial condition, or market development of the cable system."[7]

As Verizon, for example, proposes, the Commission should "[e]liminate rate regulation, and rely instead on market forces, for commercial leased access (47 C.F.R. § 76.970(d)-(h))."[8] Currently, the Commission's rate regulation of leased access encourages certain parties to seek

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[3] Sandvine, *2016 Global Internet Phenomena: Latin America & North America* at 4 (2016), http://bit.ly/2gF7UeR.

[4] Comments of Verizon, Docket No. 17-105 at 8 (July 5, 2017) ("Verizon Comments").

[5] Comments of NCTA, Docket No. 17-105 at 18 (July 5, 2017) ("NCTA Comments").

[6] *Id.*

[7] 47 U.S.C. § 532.

[8] Verizon Comments at 3.

access to the video system at below market rates. These rate regulation rules are outdated and no longer serve a public purpose. Indeed, they affirmatively divert resources from broadband and video deployment by requiring carriers to expend substantial resources in order to manage and respond to these requests. Additionally, they are a perfect example of a tilted regulatory playing field where competitors – for example, OVDs – do not have to comply.

NCTA similarly offers good interim solutions to soften the harm of the outdated leased access rules. For instance, NCTA suggests the Commission update rules "that force operators to incur leased access costs they cannot recover, specifically as it concerns their ability to recoup expenses in responding to leased access inquiries."[9] As NCTA explains, the Commission should "propose allowing cable operators to require a deposit – even a nominal application fee – to help defray the costs of gathering the information necessary to calculate the leased access rate and to respond to any bona fide requests for leased access capacity that never lead to an actual leased access agreement."[10] Likewise, "the Commission should permit operators of all sizes to reply only to bona fide leased access requests."[11] Updating the rules in this manner would help alleviate the most significant burdens of the leased access rules while the industry awaits larger statutory changes to this outdated program.

III. ELIMINATE OR REDUCE PUBLIC FILE REQUIREMENTS.

Many commenters also recognize that the public file requirements are largely outdated, even with recent reforms. As Verizon explains, "[t]oday, consumers have access to, and actually gather information from, cable operators' websites and other sources with much more extensive

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[9] NCTA Comments at 18.

[10] *Id.* at 19.

[11] *Id.*

and useful material about MVPD products and services than the public inspection files."[12] Likewise, NCTA explains much of the public file is "unnecessary, duplicative, or unduly burdensome," and "the Commission should take a closer look at whether there is any need to impose these costs on cable operators when much of this public information is already available on company websites."[13]

Frontier agrees with Verizon that the Commission should "[e]liminate the obligation for cable providers to maintain a public inspection file (47 C.F.R. § 76.1700), or at least repeal several categories of information that are of little or no interest to consumers."[14] ACA offers several categories of information that no longer make sense, including maintaining a hard copy of the FCC's rules and regulations (47 C.F.R. § 76.1714), duplicative EEO public inspection file hosting requirements (47 C.F.R. § 76.1702(b)), maintaining a current channel lineup (47 C.F.R. § 76.1705), and maintaining a significant amount of information regarding must-carry signals (47 C.F.R. § 76.1709).[15] While elimination of the rule in today's age likely makes the most sense – particularly because no similar requirement is imposed on OVD providers – these rules remain outdated and any easing of their burden would be much welcomed.

IV. ELIMINATE THE CABLE SERVICE PRICE SURVEY FILING, FCC FORM 333, OR REDUCE TO ONCE EVERY TWO YEARS.

The Commission should consider eliminating the outdated FCC Form 333 Cable Service Price Survey. As NCTA explains, "Commission staff annually conduct a survey of a random

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[12] Verizon Comments at 6.

[13] NCTA Comments at 26.

[14] Verizon Comments at 3.

[15] Comments of American Cable Association, Docket No. 17-105 at 11-15 (July 5, 2017) ("ACA Comments").

sample of operators in communities nationwide using FCC Form 333, which seeks information on service and equipment charges, number of subscribers, number of channels offered on each level of service, availability of advanced services, and channel lineups."[16] Frontier, like others, expends substantial resources to comply with this requirement. While the report has a statutory basis under 47 U.S.C. § 543(k), it is not clear that § 543 still requires the report given that the Commission has generally found cable systems subject to effective competition.[17] Specifically, § 543(k) requires the Commission to publish reports comparing rates in areas subject to effective competition with areas that are not subject to effective competition, but with all areas presumed effectively competitive, it is unclear what the purpose of this report is or whether it is necessary. Additionally, like other MVPD regulations, OVDs do not suffer these same regulatory burdens. At a minimum, the Commission could reduce the reporting requirement to once every two years.[18]

V. RATIONALIZE NOTICE FILING REQUIREMENTS.

As several commenters observe, Part 76 is replete with outdated notice requirements that were created before companies had websites and before customers had email. The annual notice, equipment compatibility notification, and rate change notices are three examples particularly ripe for change.

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[16] NCTA Comments at 23.

[17] *See Amendment to the Commission's Rules Concerning Effective Competition*, Report and Order, 30 FCC Rcd 6574 (2015).

[18] *See* NCTA Comments at 23; *see also FCC Seeks Public Comment on Report on Process Reform*, Public Notice, 29 FCC Rcd 1338 (2014).

a. *Annual Notice.*

Under 47 U.S.C. § 76.1602, the Commission requires that operators provide notice regarding certain information at the time of installation and annually thereafter. Given widely available and more easily accessible customer websites, it is unclear if this annual notice requirement is in the public interest. As NCTA, for example, explains, § 76.1602(b) "requires operators to provide detailed information at installation and annually that appears to be of little utility to customers and can become frequently outdated."[19] Likewise, ACA indicates that "it is far from clear whether, in the current day and age, consumers still benefit from cable operators undertaking the burdensome task of delivering this information year after year."[20]

Especially considering company websites, there is good cause for removing this annual notice obligation. Even if the Commission does not fully remove the requirement to share this information, it should consider allowing companies to make it available via a website and requiring customers to affirmatively opt in if they desire an email notification. This type of commonsense reform would reduce compliance costs and promote environmental benefits while ensuring consumers have access to any information they need.

b. Outdated Equipment Compatibility Notifications.

The equipment compatibility notification is another example of an outdated relic. As NCTA explains, "Section 76.1622 requires operators to conduct a written consumer education program on equipment compatibility for equipment that no longer is routinely used by consumers."[21] To be clear, this section does not have anything to do with the accessibility of

[19] NCTA Comments at 5-6.

[20] ACA Comments at 20.

[21] NCTA Comments at 9.

video equipment; this provision concerns, among other things, educating consumers on the interoperability of "videocassette recorders." Of course, such a requirement no longer makes sense. As ACA agrees, "[t]his statutory provision is a prime example of the law's inability to keep up with technology."[22] It is difficult to imagine a hypothetical customer that would find this information useful, and it is time for the FCC to stop requiring only certain types of video providers to inundate consumers with out-of-date information.

c. *End or Reduce the Time Period for Providing Notice of Certain Video Changes.*

With so much competition in the video market, and the disparate (i.e., non-) regulation of OVD providers, the advance notice requirements under 47 C.F.R. § 76.1603 impede competition and innovation. Specifically, § 76.1603 requires video providers to notify subscribers 30 days in advance of changes, including changes to channel positions, rates, and programming services. This added notice requirement, as NCTA explains, "imposes unnecessary burdens on operators to provide change notices."[23] Indeed, it adds significant complexity to making even small changes to cable lineups; meanwhile, OVDs remain unregulated. Again, when consumers are increasingly overexposed to information, and when operators provide extensive information on websites and via electronic means, § 76.1603 imposes unnecessary burdens. To the extent the Commission believes it must retain a portion of this provision, Frontier agrees with NCTA that "at a minimum[,] it should use this opportunity to clarify that a 'written' notice for these purposes includes an electronic notice."[24] Additionally, should the Commission retain this

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[22] ACA Comments at 24.

[23] NCTA Comments at 6.

[24] *Id.* at 7.

provision, it should also shorten the 30-day timeframe to 5 or 15 days to better enable regulated providers respond to competition.

VI. REPEAL NETWORK NON-DUPLICATION AND SYNDICATED PROGRAMMING EXCLUSIVITY RULES, AND FACILITATE TRANSPARENCY OF RETRANSMISSION RATES.

It is no secret that the current framework for retransmission negotiations is imbalanced and is driving increasing retransmission costs for MVPDs and their customers. Frontier joins the other commenters in the docket requesting that the Commission repeal the outdated network non-duplication and syndicated programming exclusivity rules and facilitate the transparency of broadcast retransmission rates.[25] While the Commission may be somewhat limited by statute in terms of deciding the substantive outcome of retransmission negotiations or deciding a fair price for video providers, there is no need for the Commission to add further fuel to the fire by enforcing potentially anti-competitive networking non-duplication and syndicated programming exclusivity provisions. As Verizon explains, the "network non-duplication and syndicated programming exclusivity rules have the effect of preventing an MVPD from importing broadcast programming from alternative sources when negotiations break down with a local broadcast station owner."[26] Similarly, R Street Institute explains that "agreements between private parties for exclusive syndication or non-duplication rights do not require FCC enforcement."[27]

These outdated rules needlessly provide a venue at the FCC for broadcasters to drive up retransmission fees. MVPDs like Frontier must already obtain rights from a television station if

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[25] *See* Comments of NTCA—The Rural Broadband Association, Docket No. 17-105 at 1 (July 5, 2017) ("NTCA Comments"); Verizon Comments at 13; Comments of R Street Institute, Docket No. 17-105 at 6 (July 5, 2017) ("R Street Institute Comments").

[26] Verizon Comments at 13.

[27] R Street Institute Comments at 6.

it will transmit the broadcast, and broadcaster contracts may already grant certain broadcasters territorial rights to programming that prevents out-of-market stations from allowing an MVPD to carry the content. Especially given that broadcasters already have disproportionate powers in retransmission negotiations, they do not need another venue at the FCC, in addition to courts, to enforce these private contractual rights. Indeed, in the context of the recent Lifeline Modernization Order, Commissioner Pai pointed out how unnecessary it can be for the Commission to enforce private contacts, particularly ones that are potentially anticompetitive.[28] As Verizon similarly explains, "[b]y giving broadcast stations an 'extra-contractual' method to enforce their territorial rights against MVPDs, the Commission's rules have the effect of reducing the costs and burden of pursuing whatever territorial rights a television station may hold."[29]

Frontier also supports NTCA's proposals for rate transparency in retransmission consent. FCC clarification regarding a la carte broadcast retransmission pricing would facilitate more transparency for consumers and the ability for consumers to place a check on runaway retransmission costs. As NTCA requests: "MVPDs should be able to offer consumers the ability to judge for themselves whether certain channels are worth paying for, and provide the option of whether or not to include specific channels, at the customer's option, as part of the programming

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[28] *See* Dissenting Statement of Commissioner Pai, *Lifeline and Link Up Reform and Modernization*, Third Report and Order, Further Report and Order, and Order on Reconsideration, 31 FCC Rcd 3962 (2016) ("What is more, the FCC says it will serve as an enforcer of these one-year lock-up contracts, giving Lifeline carriers a stranglehold on their customers that regular carriers cannot get with a real, signed contract. . . . And it will force Lifeline subscribers into one-year contracts with carriers even if they don't want them."); *see also Sports Blackout Rules*, Report and Order, 29 FCC Rcd 12053 (2014) (Statement of Commissioner Ajit Pai) ("It is not the place of the federal government to intervene in the private marketplace to help sports leagues enforce their blackout policies").

[29] Verizon Comments at 14

package."[30] The Commission simply need clarify that there is no barrier to the itemization of programming fees by channel on consumer bills and that MVPDs can allow customers to elect specific channels on an a la carte basis. Similarly, Frontier agrees with NTCA that retransmission rates should be public: Section 76.65 "(which covers good faith and exclusive retransmission consent complaints) should be amended to require broadcasters utilizing public airwaves to publicly disclose, in an easily accessible manner, the lowest fee they will charge, prior to any volume discount."[31]

While repealing the network non-duplication and syndicated programming exclusivity rules and adding further transparency to the process may not be a cure-all for the current broken retransmission consent system, it will remove the Commission from actively adding fuel to the fire and will shed some much needed light on an opaque process.

VII. ADDITIONAL MARGINAL IMPROVEMENTS TO THE RETRANSMISSION CONSENT REGIME AND GOOD FAITH RULES WILL PROMOTE VIDEO COMPETITION AND BROADBAND DEPLOYMENT.

While, as discussed above, the Commission's jurisdiction is limited for purposes of holistically addressing the broken retransmission consent framework, the Commission can take several steps to improve the system through updating its good faith rules. Verizon offers several commonsense proposals, including (1) "address[ing] unreasonable 'bundling' of rights for retransmission of a broadcast station signal with other programming;" (2) "find[ing] a violation of the good faith standard when a broadcaster expands programming blackouts to include customers of an MVPD's affiliated Internet access services;" and (3) "adopt[ing] a standstill requirement that maintains the status quo and allows continued carriage of a broadcast station

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[30] NTCA Comments at 5.

[31] NTCA Comments at 5.

signal as long as the parties are engaged in good-faith negotiations for renewal of a retransmission consent agreement."[32]

VIII. UNREASONABLE CABLE FRANCHISE REQUIREMENTS ARE ANTI-COMPETITIVE AND A BARRIER TO BROADBAND DEPLOYMENT.

An additional aspect of media regulation in need of modernization is clarification regarding preemption of local franchise requirements. As Chairman Pai has explained, the FCC has made excellent progress in this area, "stopp[ing] *local* governments from unreasonably refusing to award competitors, such as telephone companies, video franchises."[33] As Chairman Pai continued, the Commission's decision has "accelerated the deployment of high-speed broadband" by allowing companies "to use their networks to offer additional products," thereby giving companies "a greater incentive to expand and upgrade those networks" and giving "consumers enormous benefits in the forms of more choice and better services."[34] Frontier agrees that the steps the Commission has taken to open up video franchising have provided great benefits to consumers and expanded broadband. However, there remains unfinished business – cable incumbents still attempt to pressure localities to impose unreasonable franchise obligations under the guise of legacy state cable laws.

Specifically, the FCC has preempted *localities* – but not *states* – from imposing unreasonable franchise requirements, including obligations that require a company to build out to

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[32] Verizon Comments at 15-16.

[33] *Remarks of FCC Commissioner Ajit Pai at the International Institute of Communications, Telecommunications, and Media Forum,* Miami, FL (May 27, 2015), http://bit.ly/2vg5MVH (emphasis added).

[34] *Id*.

100% of a franchise service area.[35] In certain states, however, such as Minnesota and New York, Frontier has faced obstructionist tactics from incumbent cable provider arguing that local franchising authorities ("LFAs") must require Frontier to build out to 100% of its service area under legacy state cable laws.[36] These state laws, enacted decades ago, require LFAs to grant new franchises based on similar terms to those included in the effectively-monopoly cable franchise granted 30 or more years ago.[37] While the FCC has arguably already preempted this type of unreasonable behavior, cable incumbents have exploited confusion over whether this is state or local LFA action to place roadblocks to competition.

The Commission has previously rebuked cable incumbents for this type of anticompetitive behavior. As the Commission has explained, there is "troubling . . . evidence" that incumbent providers have sought "to frustrate negotiations LFAs and competitive providers,

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[35] *See Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as amended by the Cable Television Consumer Protection and Competition Act of 1992*, Report and Order and Further Notice of Proposed Rulemaking, 22 FCC Rcd 5101 ¶ 138 & n.476 (2007). With its decision, the Commission really appeared focused on not impeding or deterring nascent statewide franchise laws that were passed in an effort to promote competition. The Commission did not appear to consider the type of legacy state franchise laws enacted decades ago that empower LFAs to make discriminatory decisions, at issue here.

[36] *See, e.g.*, Letter from Kathleen Abernathy to Chairman Wheeler and Commissioners Clyburn, Rosenworcel, Pai, and O'Rielly, MB Docket No. 15-149 (May 5, 2016) ("*Frontier May 5th Charter Letter*").

[37] *See* Minn. Stat. 238.08, Subd. 1(b) (explaining that LFAs should not "grant an additional franchise "on terms and conditions more favorable or less burdensome than those in the existing franchise pertaining to . . . the area served") (enacted in 1988 – Laws of Minnesota 1988, chapter 568, section 2, *available at* http://bit.ly/2whY7); 16 NYCRR § 895.3 ("No municipality may award or renew a franchise for cable television service which contains economic or regulatory burdens which when taken as a whole are greater or lesser than those burdens placed upon another cable television franchise operating in the same franchise area.") (policy enacted in the 1970s – Petition of Frontier Communications of New York, Inc. for a Certificate of Confirmation for its Franchise with the Town of Goshen, Docket No. 16-02053, Attachment II-3 at 15, http://on.ny.gov/2f58OWA).

causing delay and preventing competitive entry."[38] Indeed, just as Frontier has experienced, incumbent cable operators have "use[d] threatened or actual litigation against LFAs . . . and have successfully delayed entry or driven would-be competitors out of town."[39]

The cable incumbents' objections are in reality an effort to have LFAs impose such onerous and unreasonable buildout obligations that Frontier, as the new entrant, would not be able to obtain a franchise agreement that will support a feasible business plan. As the FCC has recognized:

> Build-out requirements can deter market entry because a new entrant generally must take customers from the incumbent cable operator, and thus must focus its efforts in areas where the take-rate will be sufficiently high to make economic sense. Because the second provider realistically cannot count on acquiring a share of the market similar to the incumbent's share, the second entrant cannot justify a large initial deployment. Rather, a new entrant must begin offering service within a smaller area to determine whether it can reasonably ensure a return on its investment before expanding.[40]

Of course, this situation becomes more unreasonable by the day with extensive competition from OVDs. OVDs are freely allowed to compete in the market while Frontier – by seeming virtue of having made facilities-based investments in these communities – must expend substantial sums to respond to these obstructionist legal tactics of cable incumbents. Such an imbalanced field is untenable and harms consumers.

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[38] *See Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as amended by the Cable Television Consumer Protection and Competition Act of 1992*, Report and Order and Further Notice of Proposed Rulemaking, 22 FCC Rcd 5101 ¶ 138 n.476 (2006).

[39] *Id.* ¶ 34; *see also id.* ¶ 138 n.476.

[40] *Id.* ¶ 35 (footnote omitted); *see also id.* ¶ 36 ("In many cases, build-out requirements also adversely affect consumer welfare. [The Department of Justice] noted that imposing uneconomical build-out requirements results in less efficient competition and the potential for higher prices.").

Fortunately, there are immediate steps the FCC can take that will help deter this type of anticompetitive behavior, namely clarifying that state laws cannot require localities to impose unreasonable requirements that LFAs are barred from imposing themselves. In 2006, the FCC clearly preempted LFAs from imposing unreasonable buildout requirements, such as 100% buildout requirements, explaining that unreasonable buildout requirements are a barrier to competition.[41] The Commission can simply preempt state laws imposing unreasonable state franchise requirements (or even state laws enabling unreasonable local franchise requirements) to the same extent the Commission preempts unreasonable local franchise requirements. By clarifying that states cannot impose the very same obligations the FCC has previously found localities cannot impose, the FCC can remove a significant impediment to broadband deployment.

IX. UPDATE CONSUMER COMPLAINT RESPONSE PROCEDURES TO ENABLE ELECTRONIC RESPONSES.

While not strictly a media rule issue, Frontier agrees with NCTA's proposal regarding consumer complaints: "The Commission should clarify that providers may use e-mail to respond to such complaints when the customer has provided an e-mail address on the complaint form and has not specifically requested a different format."[42] This clarification would cut down on unnecessary paper waste and postage and remove unnecessary costs. The Commission should also allow the carrier to use an email address for that customer if the carrier has an email address on record. The Commission could notify the customer that the carrier will respond via the email the customer has on record with the carrier. Note that this letter (or email communication) is

[41] *See id.* ¶¶ 35-36, 89 (finding "that it is unlawful for LFAs to refuse to grant a competitive franchise on the basis of unreasonable build-out mandates").

[42] NCTA Comments at 10.

frequently if not almost always in addition to communication via other means, including phone, especially for the most pressing and important complaints.

X. CLARIFY SIGNAL LEAKAGE RULES DO NOT APPLY TO DIGITAL VIDEO SYSTEMS.

Frontier will not belabor the point, but Frontier agrees with Verizon that the Commission should transparently "[c]onfirm that the signal quality (47 C.F.R. § 76.601) and signal leakage (47 C.F.R. § 76.611) requirements do not apply to digital cable systems, and refrain from adopting new regulations specifically for digital cable systems."[43] Just as signal leakage requirements do not make sense for broadband generally, they do not make sense for digital video systems like Frontier FiOS or Frontier Vantage.[44] While by their very terms these rules simply cannot apply to digital video systems, there remains outstanding confusion, including at the state and local level, where authorities seek these reports. By clearly clarifying that the signal leakage rules only apply to analog cable systems, not digital video systems, the Commission will knock down this source of unnecessary regulatory confusion.

[43] Verizon Comments at 3.

[44] Frontier's Vantage system is video delivered over IP – very similar to AT&T's U-Verse video.

XI. CONCLUSION.

Adopting these suggested changes to the Commission's media rules will remove unnecessary regulatory burdens, level the regulatory playing field, and help update the Commission's media rules for the 21st Century.

Respectfully submitted,

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